

**UNITED STATES DISTRICT COURT  
IN THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

CAPELLA PHOTONICS, INC.,

Plaintiff,

v.

INFINERA CORPORATION, TELLABS,  
INC., TELLABS OPERATIONS INC.,  
CORIANT AMERICA INC., and CORIANT  
(USA) INC.,

Defendants.

Case No. 2:20-cv-00077-JRG

**ORDER GRANTING DEFENDANTS' MOTION (1) TO STRIKE CAPELLA'S  
UNTIMELY DISCLOSED PRIORITY DATE OR, IN THE ALTERNATIVE, (2) FOR  
SUMMARY JUDGMENT THAT THE EARLIEST POSSIBLE PRIORITY DATE OF  
THE ASSERTED CLAIMS IS MARCH 19, 2001 OR THAT THE KRAMER AND ROSE  
PATENTS ARE PRIOR ART**

BEFORE THE COURT is Defendants Infinera Corporation, Tellabs, Inc., Tellabs Operations Inc., Coriant America Inc., and Coriant (USA) Inc.'s Motion (1) to Strike Capella's Untimely Disclosed Priority Date or, in the Alternative, (2) for Summary Judgment that the Earliest Possible Priority Date of the Asserted Claims is March 19, 2001 or that the Kramer and Rose Patents are Prior Art..

Having considered the Motion, and good cause appearing, the Motion is hereby **GRANTED.**